

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NU LAI,

Plaintiff,

V.

NANCY A. BERRYHILL,

Defendant.

CASE NO. C16-1630-RJB-BAT

## REPORT AND RECOMMENDATION

Plaintiff appeals the denial of her applications for disability benefits. Dkt. 3. The parties  
state the case should be reversed and remanded. Dkt. 15. The Court has considered the  
motion and the record and recommends the case be **REVERSED** and **REMANDED** under  
Rule four of 42 U.S.C. § 405(g).

On remand, the Appeals Council will consider the case for a possible favorable decision on the existing record. If the Commissioner does not issue a fully favorable decision on the record upon remand, then Plaintiff will have the opportunity for a de novo hearing. If the Appeals Council does not issue a fully favorable decision, the Administrative Law Judge will re-evaluate the nature, severity, and functional limitations of Plaintiff's neck/shoulder impairments; if warranted, obtain evidence from a medical expert; further evaluate the medical opinion

1 evidence; and, with the assistance of a vocational expert, reevaluate whether Plaintiff could  
2 perform the physical and mental demands of her past relevant work.

3 The parties further stipulate that, upon proper application to the Court, Plaintiff shall be  
4 eligible for reasonable attorney fees pursuant to 28 U.S.C. § 2412 *et seq.*

5 Because the parties have stipulated the case be remanded as set forth above, the Court  
6 recommends that United States District Judge Robert J. Bryan immediately approve this Report  
7 and Recommendation and order the case **REVERSED** and **REMANDED** for further  
8 administrative proceedings as set forth above. A proposed order accompanies this Report and  
9 Recommendation.

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11 DATED this 24th day of March, 2017.

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14 BRIAN A. TSUCHIDA  
United States Magistrate Judge  
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